



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/579,870	05/18/2006	Robert-Jan Van De Rovert	022862-1099	3824
23409 7590 03/18/2010 MICHAEL BEST & FRIEDRICH LLP 100 E WISCONSIN AVENUE Suite 3300 MILWAUKEE, WI 53202				
EXAMINER				
SPISICH, MARK				
ART UNIT		PAPER NUMBER		
3727				
MAIL DATE		DELIVERY MODE		
03/18/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/579,870

Applicant(s)

VAN DE ROVAART, ROBERT-JAN

Examiner

Mark Spisich

Art Unit

3727

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 21, 28 and 29 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The examiner cannot find any mention in the specification to support the recitation of "a form-fitting connection can be produced" (new claim 21). Applicant is invited to point out where in the specification there is (literal) support for this recitation.

Specification

3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: For some reason, applicant chose to alter the terminology used for the nose (50) and the crosspiece (20) (such terms being used in the specification as well as the original claims). Applicant now uses the terms "lug" for the nose (50) and "web" for the crosspiece (20). Applicant should either amend the specification to include a mention of the new terms or amend the claims using the original terminology.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 20-26 and 28-30 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 2002-2455. '455 discloses (with reference to figures 9-11) a wiper arm for a windshield wiper system comprising a fixing element (3) for connection to a drive shaft (2) as well as a tiltably-fixed cover unit (11) pivoted (at 11d) to the fixing element and further characterized by an engagement (between 14 and 15 in figures 8-11) between a projecting rib (15) and a curved outer surface (14) of the fixing element to fix the cover in the tilted or "open" position. The rib (15) is spaced from the rotary support (11d). The phrase "in the direction of the top side" is broad. If applicant intends this to be interpreted as required that the rib (30,32) be located between the rotary support (52,54) and the top side (40), then they should amend to claims to say so. In addition, the mere use of a reference numeral (#22) to indication the outer contour of the fastening part does not require that the claim has to have the part in the same location. '455 further discloses the lug (11f) and the cooperating crosspiece (3i).

6. Claims 20-26 and 28-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Tsukamoto et al (US PUB 2002/0152575). '575 discloses (with reference to embodiment of figures 10-15) a cover (61) for engagement with a fixing element (55) which is engaged with a structure that fixes the cover in the open position (see figures

14a-14b and paragraph 0085). '575 further discloses a nose (68) and a crosspiece (67). The rib (64a) is the means for latching the cover and it is positioned between the rotary support (64) and the top side (figure 12C) and could be said to be arranged at a (small) distance from the rotary support. Any surface on the exterior of the fixing element that engages the rib (64a) would be the outer contour. It need not be the one identified in the drawings of the present application (unless required by the language of the claim(s)).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 27 and 31-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over EITHER JP 2002-2455 OR Tsukamoto et al (US PUB 2002/0152575) in view of Rogers et al (USP 4,318,201). With regard to the use of glass fiber-reinforced plastic, the patent to Rogers discloses that such material is known for use in wiper devices (see column 7, lines 4-12). It would have been obvious to one of ordinary skill to have utilized any known material recognized in the art as suitable for the intended use.

Allowable Subject Matter

9. The following drafted by the examiner and considered to distinguish patentably over the art of record in this application, is presented to applicant for consideration:

Wiper arm (10) for a window wiper system, with a fastening part (12) for connection to a drive shaft, wherein a tiltably fastened cover unit (24) having a top side (40) and two side wings (26,28) which are open to a front side (34) and are connected via a closed rear side (36) is provided for at least partially releasing the fastening part (12), and the cover unit can be latched in the tilted state to the fastening part (12), characterized in that, on an inner side of at least one side wing (26,28), the cover unit (24) has an inwardly projecting rib (30,32) elongated in a direction generally aligned with the top side for latching of the cover unit (24) in the tilted state, the rib (30,32) being spaced from a rotary support (52,54) of the cover unit (24) and where it is further located between the rotary support (52,54) and the top side (40) and, upon tilting of the cover unit (24), can be guided at least partially along a curved outer contour (22) of the fastening part.

Response to Arguments

10. Applicant's arguments filed 18 January 2010 have been fully considered but they are not persuasive. With regard to JP '455, the rib (15) thereof is spaced from the pivot (11d) and which engages a curved surface of the outer side wall of the fixing element (3). That is an "outer contour" as defined in the claim(s). The examiner also gave consideration to the phrase "in the direction of the top side". Saying that something is arranged "in the direction" of something is broad. If applicant wishes to recite that the rib is located between the top side and the rotary support (52,54), then they should recite such in the claim(s). With regard to '575, the rib (64a) is arranged at a (small) distance from the rotary support (64) and the rib is also located between the rotary

support and the top side. Any surface on the outer sides of the fixing element (55) which is engaged by the rib (64a) of the cover would be the outer contour. There is nothing in the claim which would require that the surface of the outer contour engaged by the rib is located specifically as shown in figure 4. Applicant's comments regarding the location of the "nose" (11f in '455 and 68 in '575) is not commensurate with the claims as no specific location of the nose is required by the claims. Applicant is directed to the above claim which was drafted by the examiner. Current claim 20 was amended to add (1) the orientation of the rib relative to the top side (get around '575) and (2) the location of the rib between the rotary member and the top side (get around '455).

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Spisich whose telephone number is (571) 272-1278. The examiner can normally be reached on M-Th (5:30-3:00), Alternate Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Monica Carter can be reached on (571) 272-4475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mark Spisich/
Primary Examiner, Art Unit 3727

Mark Spisich
Primary Examiner
Art Unit 3727

/M. S./
Primary Examiner, Art Unit 3727